

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Tsung-Jung Kuo

Group Art Unit: 2627

Serial No.: 10/791,052

Examiner: Kayrish, Matthew

Confirmation No. 2867

Filed: March 1, 2004

TKHR Ref. 251209-1150

Lite-On IT Ref. 99150016

For: **DISK-ANCHORING DEVICE FOR OPTICAL DISK DRIVES**

**REMARKS IN SUPPORT OF APPLICANT'S
PRE-APPEAL BRIEF CONFERENCE REQUEST**

Mail Stop Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit the following remarks in support of a Request for Pre-Appeal
Brief Conference.

REMARKS

The FINAL Office Action rejected all pending claims 20-23 and 25. More specifically, claims 20, 22, 23 and 25 stand rejected under 35 U.S.C 102(b) as allegedly anticipated by Shirachima et al (US patent Number 6,275,465). Claim 20 is the only independent claim, and the rejection of claim 20 is clearly misplaced for at least the reasons set forth herein.

Independent claim 20 recites:

20. A disk-anchoring device of an optical disk device, comprising:
a substrate;
a clamper frame for holding a clamper, pivoted on said substrate
and having a first protrusion portion;
a sliding element, movably mounted on said substrate and having an inclined portion and a second protrusion portion;
wherein, when said sliding element is moved on said substrate, said first protrusion portion is relatively moved along an inclined surface of said inclined portion so as to swing said clamper frame;
wherein, after a disk is loaded into the optical disk device, said second protrusion portion abuts and pushes said first protrusion portion.

(*Emphasis added*). Independent claim 20 patently defines over the cited art for at least the reason that the cited art fails to disclose at least the features emphasized above.

As reflected above, the claimed disk-anchoring device of claim 20 comprises a substrate, a clamper frame and a sliding element. In addition, claim 20 expressly defines that the clamper frame has the first protrusion portion, and the sliding element has an inclined portion and a second protrusion portion. In other words, the first protrusion portion is disposed on the clamper frame. Consequently, as the sliding element is moved on the substrate, the first protrusion portion on the clamper frame can be moved relatively along the inclined portion on the sliding member. Therefore, the first protrusion portion serves to swing the clamper frame.

In addition, the first protrusion portion and the second protrusion portion are disposed on different elements (the clamber frame and sliding element) so that the second protrusion portion abuts and pushes the first protrusion portion after a disk is loaded into the optical disk device.

As to claim 20, the Office Action alleged that Shirashima et al discloses a disc clamping mechanism comprising a substrate (item 23), a clamber frame (item 26) and a sliding element (item 33). Further, the Office Action alleged that the clamber frame has a first protrusion portion (item 23f), and the sliding element has an inclined portion and a second protrusion. Applicant respectfully disagrees.

In this regard, item 23f, which the Examiner alleged as the first protrusion portion, is not disposed on the clamber frame. Referring to figure 2 and col. 5, lines 4-11 of the Shirashima et al patent, item 23f is disposed on the drive chassis (Item 23, which the Examiner alleged as the substrate). In operation, the control piece 23f and the control pin 32 formed on the drive chassis 23 are inserted in the restriction grooves 33a and 33c of the switching member 33, and they are arrested at the position shown by the symbols P1, P2 in FIG. 1A. Therefore, the whole disk drive unit 22 is in a restricted state. [see col. 7, lines 15-24]

As a disk is loaded into the disk drive unit 22, the switching member 33 is moved in Y1 direction. At this time, the restriction grooves 33a and 33c of the switching member 33 are shifted against the control piece 23f and the control pin 32, and the control piece 23f and the control pin 32 sit at the positions indicated by the symbols P3, P4 in FIG. 1B, where the CD player goes into the clamber state of the disk D. Further, after completing the clamp, the switching member 33 is shifted further in the Y1

direction, the control piece 23f and the control pin 32 slip out from the restriction grooves 33a and 33c, and the disk drive unit 22 goes into a state to be elastically supported by the elastic support members 31. [see col. 7, lines 45-58]

Therefore, the control piece 23f on the drive chassis 23 is worked with the restriction grooves 33c of the switching member 33 for adjusting the position of the drive chassis 23 not for swinging the clamper frame.

Significantly, Shirashima et al fails to disclose a first protrusion portion, which is provided on the clamper frame and is pushed by a second protrusion portion of the sliding element after a disk is loaded into the optical disk device. Therefore, Shirashima et al fails to disclose all of the claimed elements of claim 20. As such, Shirashima does not anticipate claim 20.

In the Advisory Action mailed June 12, 2007, the Examiner disagreed with this position stating that the substrate was part of the clamper frame. This, however, is misplaced. In this regard, the Advisory Action acknowledged that the substrate and clamper frame were two separate pieces, but since they were attached together, they were essentially the same piece. Applicant respectfully disagrees, and submits that such a position is erroneous.

No fee is believed to be due in connection with this submission. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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